Secol. II-37—100,000—31-8-51.

Development (1947) Department.

Miscellaneous SERIES.

Letter

C.O. No. 5418

Dated 21 11 1947

[Despatch Abstract.]

Aden - Industrial Statistics - Act and C.N.I. Rules, 1945- Declaration from persons engaged in connection with collection of statistics Obtained.

No.5-SG(3)/46,
Government of India,
Department of Industries and Supplies.
Office of the Director of Industrial Statistics.

"Gorton Castle"

Simla, the 30th August 1947.

From

B.N. Kaul, Esquire,
Director of Industrial Statistics.

To

The Secretary to the Government of Madras,
Development Department,
MADRAS.

Subject:- Direction 5(5) of Directions No.C.M.I.R.-I dated the 10th November 1945 - Form of undertaking for ensuring secre of information furnished under the Census of Manufacturing Industries Rules, 1945.

Sir,

I have the honour to say that certain Provincial Governments and Statistics Authorities raised the question that the form prescribed under Direction 5(5) of Directions No.C.M.I.R.-I dated the 10th November 1945 issued by the late Industries and Civil Supplies Department, Government of India, required being changed in certain respects. The matter has been given detailed consideration by the Government of India and it has been decided to change the existing prescribed "undertaking" into a "declaration". A copy of the form in which declarations should be obtained is enclosed. In connection with this matter an Office Order No.S-1 dated the 28th August 1947 has been issued (copy enclosed) prescribing the procedure to be followed in this Office for securing the required declaration. It is requested that declaration in the suggested form may be obtained from every person engaged in your Province in connection with the collection of statistics under the Census of Manufacturing Industries Rules, 1945, and the procedure prescribed in the Office Order, copy of which is enclosed, may be followed mutatis mutandis for the purpose of obtaining this declaration.

2. This Office may be informed when declarations in the prescribed from have been secured from every person engaged in connection with the collection of statistics under the Census of Manufacturing Industries Rules, 1945.

3. In view of the suggestions contained in this letter the undertaking prescribed under Direction 5(5) of Dir ctions No.C.M.I.R -I dated the 10 th November 1945 becomes unnecessary. Steps are, therefore, being taken separately for deleting this Direction.

I have the honour to be
Sir,
Your most obedient servant
Sd/-x x x x x x
for Director of Industrial
Statistics.

Government of India,
Department of Industries and Supplies,
Office of the Director of Industrial Statistics.

"Gorton Castle",

Simla, the 28th August, 1947.

OFFICE ORDER NO. S-1

(Reference File No.5-SG(3)/46.)

All officers and staff in this office (including Class IV employees) shall make a declaration in the attached form. The declaration should be made not later than the 1st September 1947. If any members of the staff are absent on leave, they should make the declaration on the date on which they resume duty.

2. The following procedure will be followed in securing the declarations:-

(a) All Gazetted Officers will sign the declaration in my presence in my room at 11 A.M. on the 30th August 1947.

(b) All staff attached to S-I and S-II Branches will sign the declaration in the presence of Assistant Director (Statistics) who will be the Attesting Officer for these declarations.

(c) All other staff will sign the declaration in the presence of Assistant Director (Administration) who will be the Attesting officer for these declarations.

(d) Not later than the 2nd September 1947 the Assistant Director (Statistics) will forward to Assistant Director (Administration) all the declarations made in his presence together with a statement of the total number of staff for which he will be responsible and the number and names of the staff absent. Declarations obtained from staff absent on leave will be forwarded to Assistant Director (Administration) as soon as they are secured. Assistant Director (Administration) will follow the same procedure for obtaining the declaration from the staff for which he is responsible.

(e) After declarations have been obtained from all members of the Staff, the matter will be reported to me by Assistant Director (Administration).

(f) At the time of signing of the declaration the Attesting Officer should explain to the member of the staff concerned the implications of the declaration he is making and in particular invite his attention to section 9 of the Industrial Statistics Act, 1942, section 5 and 9 of the Indian Official Secrets Act, 1923 and Rule 17 of the Government servants' Conduct Rules. (Copies of sections 5 and 9 of the Indian Official Secrets Act, 1923 and of Rule 17 of the Government Servants' Conduct Rules are attached to this Office Order. No copy of section 9 of the Industrial Statistics Act, 1942 is attached because this Act is readily available in the Office). Care should be exercised in particular that the contents of these sections are understood by Class IV employees at the time of signing the declaration. If any member of the staff belonging to Class IV Service is illiterate, his thumb impression should be taken on the declaration in place of signature.

(g) On the first working day of each calendar year the procedure outlined above should be repeated and fresh declarations should be obtained from all members of the staff.

3. Every new member of the staff on joining duty should also be asked to make a declaration in the prescribed form and in accordance with the procedure outlined in paragraph 2 as far as

Government of India,
Department of Industries and Supplies,
Office of the Director of Industrial Statistics.

- - -

"Gorton Castle",

Simla, the 1947.

Declaration by Mr.

I am aware of the provisions of the Industrial Statistics Act, 1942, Census of Manufacturing Industries Rules, 1945, the Indian Official Secrets Act, 1923 and the Government Servants' Conduct Rules. I realise that I am not to disclose to any person, otherwise than in the execution of my duties under the Industrial Statistics Act, 1942, either during the period when I am engaged in such duties or at any later date, any information which has been obtained by me or which has come to my knowledge, and any document to which I have had access or which has come into my possession, in the course of my duties connected with the Industrial Statistics Act, 1942.

Signature . .

Designation . .

Date --

Signature of Attesting Officer. - - - - -

Designation . .

Date . . .

Sections 5 and 9 of the Indian Official Secrets Act, 1923.

xx xx xx xx xx

5.(1) If any person having in his possession or control any secret official code or pass-word or any sketch, plan, model, article, note, document or information which relates to or issued in a prohibited place or relates to anything in such a place, or which has been made or obtained in contravention of this Act, or which has been entrusted in confidence to him by any person holding office under His Majesty, or which he has obtained or to which he has had access owing to his possition as a person who holds or has held office under His Majesty, or as a person who holds or has held a contract made on behalf of His Majesty, or as a person who is or has been employed under a person who holds or has held such an office on contra

Wrongful communication, etc., of information.

(a) wilfully communicates the code or pass-word, sketch, plan, model, article, note, document or information to any person other than a person to whom he is authorised to communicate it, or a Court of Justice or a person to whom it is, in the interests of the State, his duty to communicate it; or

(b) uses the information in his possession for the benefit of any foreign power of in any other manner prejudicial to the safety of the State; or

(c) retains the sketch, plan, model, article, note or document in his possession or control when he has not right to retain it, or when it is contrary to his duty to retain it, or wilfully fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof; or

(d) fails to take reasonable care of, or so conducts himself as to endanger the safety of, the sketch, plan, model, article, note, document, secret official code or pass word or information;

he shall be guilty of an offence under this section.

(2) If any person voluntarily receives any secret official code or pass word or any sketch, plan, model, article, note, document or informationknowing or having reasonable ground to believe, at the time when he receives it, that the code, pass-word, sketch, plan, model, article, note, document or information is communicated in contravention of this Act, he shall be guilty of an offence under this section.

(3) If any person having in his possession or control any sketch, plan, model, article, note, document or information, which relates to munitions of war, communicat s it, directly or indirectly to any foreign power or in any other manner prejudicial to the safety or interests of the State he shall be guilty of an offence under this section.

(4) A person guilty ofan offence under this section shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

xx7 xx xx xx xx

9. Any person who attempts to commit or abets the commission of an offence under this Act shall be punishable with the same punishment, and be liable to be proceeded against ~~inh~~ in the same manner as if he had committed such offence.

Attempts, incitements, etc.

Rule 17 of Government Servants' Conduct Rules.

x x x x

"17. Communication of official documents of information.-

A Government servant may not, unless generally or specially empowered by the Local & Government in this behalf, communicate directly or indirectly to Government servants belonging to other Departments, or to non-official persons, or to the press, any documents or official persons, or to the press, any documents or information which has come into his possession in the course of his publish duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise."

x x x

Government of Madras
Development Department

Letter Ms.No.5418-dated 21-11-1947.

To

The Director of Industrial Statistics, Simla.

Sir,

Sub:- Acts - Industrial Statistics Act and C.M.I. Rules, 1945- Declaration from persons engaged in connection of statistics - Obtained.

Ref:- Your letter No. 5-SG(3)/46-dated 30-8-1947.

I am directed to state that declarations in the prescribed form have been obtained from every person engaged in connection with the collection of statistics under the Industrial Statistics Act and C.M.I. Rules - 1945.

Sd/-x x x x xx=x x
21.11.47.

/True Copy/

S. Jayaraman 7/5/54
Office Assistant,
Madras Record Office.

SP/28.12.

22/5/54.